IN THE DRAWINGS

Please amend the drawings as shown on the attached Replacement Sheets of drawings.

REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed April 30, 2007. In the Office Action, the Examiner notes that claims 1-2 are pending and rejected. By this response, Applicants have traversed these rejections.

In view of the following discussion, Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, Applicants believe that all of the claims are in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response.

New claims 3-7 have been added. Applicants submit that the new claims are fully supported (Specification, Page 3 and 4), and do not introduce new matter.

OBJECTIONS

In the Drawings

The drawings are objected to as failing to comply with 37 CFR §1.84(p)(5) because (1) they do not including reference sign 1300 mentioned on page 11, line 25 of the description; and (2) Figures 1, 2, 10, 11, and 12 lack reference characters.

Figure 13 has been herein amended to include reference sign 1300. Figures 1, 2, 10, 11, and 12 have been herein amended to include reference characters as referenced to by the herein amended detailed description of the embodiment.

Replacement Drawing Sheets in compliance with 37 CFR §1.121(d) are submitted herewith.

Therefore, the objections should be withdrawn.

In the Specification

The disclosure is objected to because (1) the examiner notes the use of acronyms throughout the specification without first including a description in plain text; (2) it contains an embedded hyperlink and/or other form of executable code; (3) on

page 7, line 20, "Wee assume" contains a typographical error; (4) on page 9, line 23, Applicants incorrectly cite to figure 10; and (5) reference characters are missing for the specific features of Figures 1, 2, 10, 11 and 12 disclosed.

The specification has been herein amended to describe acronyms (e.g. SMP, OS, PC, MPEG, CPU, ICMP, UDP, COTS, HDTV) in plain text prior to their use.

The specification has been herein amended in paragraph 18 to remove the embedded hyperlink and/or other form of executable code.

The specification has been herein amended in paragraph 16, 18, 36, and 47 to correct the typographical errors "it's", "or", "I", and "Wee assume," respectively.

The specification has been herein amended in paragraph 53 to cite Figure 12, as correctly suggested by the Examiner.

The specification has been herein amended to supply reference characters when describing specific features in Figures 1, 2, 10, 11, and 12. One having ordinary skill in the art may now easily go back and forth from the specification and the herein amended drawings and understand the disclosure of the Applicants.

Therefore, all objections to the specification should be withdrawn.

REJECTIONS

35 U.S.C. §102

Claims 1 and 2 are rejected under 35 U.S.C. §102(e) as being anticipated by Dudkiewicz (US 2002/0083468, hereinafter "Dudkiewicz"). The rejection is traversed.

In general, the Applicants' invention pertains to a method of implementing a low cost video server by distributing video server processes across commercial off-the-shelf hardware and software in such a manner as to preserve video bit-rate with high precision. The Applicants disclose, in one embodiment, a method of compensating drift in system clock timing to generate streams of video at a precise bit-rate. Specifically, Applicants' claim 1 recites:

> "A method, comprising:
> associating each of a plurality of processing elements with at least one respective video server process;
> assigning priority to said processing elements according to a hierarchy of video server processes, each of said video server processes having a relative priority level with respect to other video server processes;

adjusting said hierarchy of video server processes according to at least one of monitored timing parameters, changes in system loading conditions, changes in operating conditions and operating system scheduler requirements." (Emphasis added)

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. Dudkiewicz fails to disclose each and every element of the claimed invention, as arranged in claim 1.

Specifically, Dudkiewicz fails to teach or suggest "assigning priority to a plurality of processing elements according to a hierarchy of video server processes" and adjusting said hierarchy "according to at least one of monitored timing parameters, changes in system loading conditions, changes in operation conditions and operating system scheduler requirements" as recited in claim 1.

Respectfully, the Applicants submit that Dudkiewicz teaches, suggests, and discloses entirely different concepts than those provided herein. The Applicants' invention is directed towards "adaptably distributing video server processes among processing elements within a video server such that video server operation may be adapted in a manner facilitating rigorous timing constraints." (Abstract.) Dudkiewicz teaches a system for evaluating content of a video program in accordance to a viewer's viewing preferences (Dudkiewicz, page 2, paragraph 20). The Applicants claim assigning priority to processing elements according to a hierarchy of video servers processes, whereas the only hierarchy suggested by Dudkiewicz pertains to the evaluation of video segments resulting in a viewer-directed hierarchy that is based on program classification (e.g. sports programs), program duration, and program start and end time.

Thus, Dudkiewicz does not teach or suggest each and every one of the limitations of Applicants' invention as recited in claim 1. As such, Applicants submit that independent claim 1 is not anticipated by Dudkiewicz and is patentable under 35 U.S.C. §102. Furthermore, claim 2 depends directly from independent claim 1 while adding additional elements. Therefore, claim 2 also is not anticipated by Dudkiewicz and is patentable under 35 U.S.C. §102 for at least the same reasons discussed above in regards to independent claim 1.

Therefore, the rejection should be withdrawn.

THE SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

CONCLUSION

Thus, Applicants submit that none of the claims, presently in the application, are anticipated under the provisions of 35 U.S.C. §102. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 7/30/07

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